

# Proposed Rules

Federal Register

Vol. 62, No. 20

Thursday, January 30, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 4 and 375

[Docket No. RM-95-16-000]

#### Regulations for the Relicensing of Hydroelectric Projects

January 23, 1997.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking; extension of comment dates.

**SUMMARY:** On November 26, 1996, the Commission issued a Notice Proposed Rulemaking (61 FR 64031, December 3, 1996) proposing revisions to its regulations for the relicensing of hydropower projects. The dates for filing initial comments and reply comments are being extended at the request of the U.S. Department of the Interior and the National Hydropower Association.

**DATES:** Initial comments should be filed on or before April 4, 1997; reply comments should be filed on or before May 5, 1997.

**ADDRESSES:** Federal Energy Regulatory Commission, 888 1st Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Lois D. Cashell, Secretary, 202-208-0400.

**SUPPLEMENTARY INFORMATION:** On January 13, 1997 and January 14, 1997, the U.S. Department of the Interior (DOI) and the National Hydropower Association (NHA) filed respective motions for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued November 26, 1996, in the above-docketed proceeding. In its motion, DOI states that additional time is needed because the proposed rule raises significant issues which require considerable evaluation and coordination with other agencies for the preparation of responsive comments.

NHA states that an extension is required to allow further consultation with NHA's membership and others to assure properly focused and constructive comments. NHA further states that the American Public Power Association and the Edison Electric Institute join NHA in the motion for additional time.

Upon consideration, notice is hereby given that an extension of time for filing initial comments is granted to and including April 4, 1997. Reply comments shall be filed on or before May 5, 1997.

Lois D. Cashell,

Secretary.

[FR Doc. 97-2261 Filed 1-29-97; 8:45 am]

BILLING CODE 6717-01-M

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

RIN 0960-AE30

#### Application of State Law in Determining Child Relationship

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to revise our rules on determining whether a natural child has inheritance rights under appropriate State law and therefore may be entitled to Social Security benefits as the child of an insured worker. Specifically, we propose to revise our rules to explain which version of State law we will apply, depending on whether the insured is living or deceased, how we will apply State law requirements on time limits for determining inheritance rights, and how we will apply State law requirements for a court determination of paternity. We are also proposing to clarify our current rule on determining an applicant's status as a legally adopted child of an insured individual.

**DATES:** Your comments will be considered if we receive them no later than March 31, 1997.

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830, sent by E-mail to "regulations@ssa.gov," or delivered to the Division of Regulations and Rulings, Social Security Administration,

3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

**FOR FURTHER INFORMATION CONTACT:** Lois Berg, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1713.

#### SUPPLEMENTARY INFORMATION:

Time for Determining Relationship of Natural Child

Section 216(h)(2)(A) of the Social Security Act (the Act) states in part that in determining whether an applicant is the child of a deceased insured individual, the Commissioner shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which the insured individual was domiciled at the time of his or her death. A child of a valid marriage has inheritance rights under the laws of all States.

When determining the relationship of an illegitimate child to a deceased insured person under section 216(h)(2)(A), we have always looked to the law that was in effect in the insured's State of domicile at the time he or she died. Some Federal courts have also interpreted the provision this way. See *Schaefer on behalf of Schaefer*, 792 F.2d 81 (7th Cir. 1986); *Ramon v. Califano*, 493 F. Supp. 158 (W.D. Tex. 1980); and *Allen v. Califano*, 452 F. Supp. 205 (D. Md. 1978).

Other courts have adopted different interpretations. For example, in *Owens v. Schweiker*, 692 F.2d 80 (9th Cir. 1982), the court held that section 216(h)(2)(A) should be read to require the use of the State law of domicile that was in effect at the time of the Secretary's determination on the child's claim. We, therefore, published a final rule (49 FR 21512) on May 22, 1984, amending § 404.354 of our regulations to clarify and reinforce our policy on applying State inheritance laws. However, after we amended our regulations, we also published Acquiescence Ruling (AR) 86-17(9) to clarify that we would apply the *Owens* decision to claims of children residing in the 9th Circuit. (When these